

# **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:  
VICKI THOMAS



700 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
217/785-2254

SEN. PAMELA ALTHOFF  
SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. DALE A. RIGHTER  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. DONALD L. MOFFITT  
REP. ANDRÉ THAPEDI

## **MINUTES**

**November 6, 2014**

### **MEETING CALLED TO ORDER**

The Joint Committee on Administrative Rules met on November 6, 2014 at 11:30 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago, Illinois. Co-Chair Schmitz called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

### **ATTENDANCE ROLL CALL**

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
X Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative André Thapedi

### **APPROVAL OF THE MINUTES OF THE OCTOBER 14, 2014 MEETING**

Representative Leitch moved, seconded by Representative Lang, that the minutes of the October 14, 2014 meeting be approved. The motion passed unanimously.

### **REVIEW OF AGENCY RULEMAKINGS**

***Liquor Control Commission – The Illinois Liquor Control Commission (11 Ill. Adm. Code 100; 38 Ill. Reg. 16634)***

Representative Harris moved, seconded by Senator Althoff, that JCAR and the Liquor Control Commission agree to extend the Second Notice Period on this rulemaking for an additional 45 days to address public comment. The motion passed unanimously.

***Department of Insurance – Licensing of Public Adjusters (50 Ill. Adm. Code 3118; 38 Ill. Reg. 13149)***

Senator Righter moved, seconded by Representative Moffitt, that JCAR and the Department of Insurance agree to extend the Second Notice Period on this rulemaking for an additional 45 days. The motion passed unanimously.

**INTERNAL RULEMAKING**

***Labor Relations Board – Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2500; 38 Ill. Reg. 19955)***

Representative Thapedi moved, seconded by Senator Silverstein, that JCAR recommend that the Board be more timely in adopting rules implementing statute. This rulemaking was adopted 14 years after PA 91-798 created a single Labor Relations Board. The motion passed unanimously.

**AGENCY RESPONSES**

***Department of Natural Resources – Open Space Lands Acquisition and Development Grant Program (17 Ill. Adm. Code 3025; 38 Ill. Reg. 16400)***

Due to the appropriateness of the Agency's response, no further action.

***Pollution Control Board – General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974) and Permits (35 Ill. Adm. Code 502; 37 Ill. Reg. 19005)***

No further action.

**CONSIDERATION OF OTHER RULEMAKING**

***Environmental Protection Agency – Collection of Out-of-Service Mercury Thermostats (35 Ill. Adm. Code 190; 38 Ill. Reg. 15811)***

James Jennings, Assistant Counsel, represented EPA.

Senator Harmon: I wanted to confirm my understanding that, although JCAR will issue a No Objection on this rulemaking and its specified targets, EPA has agreed not to enforce the target collection requirement while it is conducting a new study, involving industry and environmental advocates, to arrive at reasonable, durable and achievable collection targets for future years. Is that a fair statement of the agency's position?

Mr. Jennings: In general, yes. One clarification: EPA anticipates that the study you referenced will be completed during calendar year 2015 and, obviously, after that the agency could pursue any enforcement laid out in rules.

Senator Harmon: Understood. I did not expect it was a permanent enforcement relaxation. It's until you have the study completed and a better sense of data and goals, correct?

Mr. Jennings: Correct.

***Department of Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 38 Ill. Reg. 18052)***

Representative Harris moved, seconded by Representative Lang, that JCAR and the Department of Healthcare and Family Services agree to extend the Second Notice Period for an additional 45 days.

Matt Trewartha, Legislative Liaison, represented HFS.

Co-Chair Schmitz: You've heard the motion and concur?

Mr. Trewartha: We agree to the Extension.

The motion passed unanimously.

**CERTIFICATION OF NO OBJECTION**

Senator Rezin moved, seconded by Representative Harris, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously, with Representative Lang casting a present vote on 4 rulemakings (Department of Healthcare and Family Services – Medical Assistance Programs (89 Ill. Adm. Code 120; 38 Ill. Reg. 14654) and Medical Payment (89 Ill. Adm. Code 140; 38 Ill. Reg. 14658); Department of Insurance – Managed Care Reform and Patient Rights (50 Ill. Adm. Code 5420; 38 Ill. Reg. 16579) and Health Maintenance Organization (50 Ill. Adm. Code 5421; 38 Ill. Reg. 16585)) and Senator Silverstein abstained from the vote on 2 rulemakings (Department of Natural Resources – Hydraulic Fracturing Regulatory Act (62 Ill. Adm. Code 245; 37 Ill. Reg. 18097) and The Illinois Oil and Gas Act (62 Ill. Adm. Code 240; 37 Ill. Reg. 18081)).

**DECEMBER MEETING DATE**

Co-Chair Schmitz announced that the next monthly meeting of JCAR is scheduled for Tuesday, December 16, at 11:30 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

**ADJOURNMENT**

Senator Harmon moved, seconded by Representative Leitch, that the meeting stand adjourned. The motion passed unanimously.

*Min:1114Nov*